

REMARKS

The present patent application has been reviewed in light of the office action, dated September 5, 2008, in which the claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stein et al., U.S. Publication No. 2003/0008669 (hereinafter "Stein"). Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-37 are pending. Claims 1-2, 6, 12-13, 17, 21-22, 26, 30, 34, and 36 have been amended without prejudice or disclaimer. Support for the amendments may be found, for example, at paragraph [0015] of the specification.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stein. Assignee respectfully traverses these rejections.

To anticipate a claim, the reference must teach each and every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The applied document does not anticipate each and every element of the claims. For example, Stein appears to show a system for determining a position of a terminal under the coverage of a repeater in a wireless communication system. However, Stein does not disclose "receiving information...from a repeater through a base station of a set of base stations, the

information being indicative of signals of said set of base stations that said repeater can detect” as recited in amended claim 1.

In the office action, the Examiner relies on paragraph [0004] of Stein for support for the Examiner’s assertion that Stein discloses “the information being indicative of signals of a set of base stations that a repeater can detect” (page 3 of the office action). However, paragraph [0004] states:

[0004] Many wireless communication systems employ repeaters to provide coverage for designated areas within the system or to extend the coverage of the system. For example, a repeater may be used to cover a particular area not covered by a base station due to fading conditions (i.e., a “hole” within the system). Repeaters may also be used to extend coverage into rural areas (e.g., along a freeway) that are outside the coverage area of the base stations. A repeater receives, conditions, and retransmits signals on both the forward link (i.e., the path from the base station to the mobile unit) and reverse link (i.e., the path from the mobile unit to the base station).

There appears to be no disclosure of a repeater providing information regarding a set of base stations detectable by the repeater.

Similarly, Stein does not disclose “identifying signals associated with a set of base stations that the repeater can detect” in a method performed by a repeater, as recited in amended claim 6. In the office action, the Examiner relies on paragraph [0041] of Stein to support the Examiner’s assertion that Stein discloses “a method executed in a repeater..., the method comprising: identifying signals associated with a set of base stations that the repeater can detect” (see page 4 of the office action). However, paragraph [0041] states:

[0041] Various schemes may be used to identify the repeaters to the terminal. In one scheme, each repeater within a particular coverage area (e.g., a cell) is assigned a unique identification code that may be used to unambiguously identify the repeater. Multiple identification codes may be assigned to multiple repeaters within the particular coverage area. This may be applicable, for example, in a very large building where multiple repeaters are used to provide

coverage and are spaced far apart (e.g., more than 100 meters apart). Alternatively, multiple repeaters may be assigned a common identification code if these repeaters are located within a sufficiently small area. A single position estimate may then be used for all these repeaters.

There appears to be no disclosure of identifying base stations that a repeater can detect. Rather, the passage above appears to be concerned with the identification of repeaters within a coverage area, rather than identifying base stations detectable by a repeater.

Amended independent claims 12, 17, 21, 26, 30, 34, and 36 recite elements similar to those discussed above in connection with amended independent claims 1 and 6. Therefore, for at least these reasons, Stein does not anticipate each and every element of amended independent claims 1, 6, 12, 17, 21, 26, 30, 34, and 36. Stein further does not anticipate each and every element of dependent claims 2-5, 7-11, 13-16, 18-20, 22-25, 27-29, 31-33, 35, and 37.

Assignee respectfully requests the withdrawal of the rejections to the claims.

It is noted that claimed subject matter may be patentably distinguished from the applied documents for additional reasons; however, the foregoing is believed to be sufficient to overcome the Examiner's rejections discussed above.

Further, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions since the Examiner's other positions are believed to be moot in light of the foregoing.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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Respectfully submitted,

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